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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,253	03/04/2002	Markus Dillinger	449122021600	9898
25227	7590	10/01/2004	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			NGUYEN, DAVID Q	
		ART UNIT	PAPER NUMBER	
			2681	
DATE MAILED: 10/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/070,253	DILLINGER ET AL.
	Examiner	Art Unit
	David Q Nguyen	2681

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

• A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 March 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6690944 B1) in view of Black et al. (US 6208873 B1).

Regarding claim 1, Lee et al discloses a method for measuring inter-cell interference in a frequency channel in a radio communication system, in which a total received power is measured in the frequency channel by a first subscriber station (see col. 8, lines 4-13); a sum of transmitted powers used by a first base station is determined in the frequency channel (see col. 8, lines 4-13); and the inter-cell interference is determined from a difference between the total received power and the sum of the transmitted powers (see col. 8, lines 4-13). Lee et al. does not mention information separated using spreading code is transmitted simultaneously to a plurality of subscriber stations in the frequency channel. However, Black et al. discloses information separated using spreading code is transmitted simultaneously to a plurality of subscriber stations in the frequency channel (see col. 7, lines 18-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Black et al. to Lee et al. in order to apply to CDMA system.

Regarding claim 2, the method of Lee et al. in view of Black et al. also includes measurement result for total received power is signaled to a network device, and the intercell interference is determined in the network device (see col. 8, lines 4-13).

Regarding claims 3-6, the method of Lee et al. in view of Black et al. also includes the transmitted powers are corrected by subtracting a path loss between the first base station and the first subscriber station (see col. 8, lines 4-13); the path loss is signaled to a network device (see col. 8, lines 4-13); the first subscriber station measures a received power on a pilot channel associated with the first base station (see col. 8, lines 5-27); the measurement result for the received power is signaled to a network device (see col. 8, lines 4-13).

Regarding claim 7, the method of Lee et al. in view of Black et al. also includes the measurement of the total received power and the determination of the transmitted power take place at the same time (see col. 8, lines 4-13).

Regarding claim 8, the method of Lee et al. in view of Black et al. also includes the measurement are performed within one time interval (see col. 8, lines 50-60 of Black).

Regarding claim 10, the method of Lee et al. in view of Black et al. also discloses that in which a pilot channel is transmitted during the time interval, and the measurement result for the total received power is reduced, by subtraction, by the measurement result for received power on the pilot channel (see col. 7 line 3 to col. 8, line 55 of Lee).

Regarding claim 11, the method of Lee et al. in view of Black et al. also discloses intercell interference is measured cyclically (see col. 8, lines 5-55 of Lee).

Regarding claims 12-14, the method of Lee et al. in view of Black et al. also discloses that in which the intercell interference is controlled by a network device and the first subscriber

station (see col. 8, lines 4-27); in which measurement is controlled if a parameter relating to the reception quality of the information falls below a threshold level value (see col. 7, lines 3-15; col. 8, lines 5-55 of Lee)

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6690944 B1) in view of Black et al. (US 6208873 B1) and further in view of Ganesan et al. (US 6658250).

Regarding claim 9, the method of Lee et al. in view of Black et al. does not discloses in which the time interval is at least part of a time slot in TDMA system. However, Ganesan et al discloses the time interval is at least part of a time slot in TDMA system (see col. 7, line 50 to col. 8, line 13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Ganesan et al to the method of Lee in view of Black et al. in order to apply to TDMA system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2681

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen


DAVID HUDSPETH
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